

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

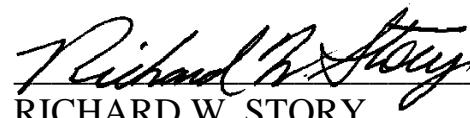
MITZI DARNELL and	:	
WILLIAM DARNELL,	:	
	:	
Plaintiffs,	:	
	:	CIVIL ACTION NO.
v.	:	2:10-CV-0281-RWS
	:	
MACK G. WEST, individually and	:	
in his official capacity as Mayor of	:	
the City of East Ellijay, Georgia,	:	
and THE CITY OF EAST	:	
ELLIJAY, GEORGIA,	:	
	:	
Defendants.	:	

**ORDER**

This case is before the Court for consideration of the Report and Recommendation [41] of Magistrate Judge Susan S. Cole. After reviewing the Report and Recommendation, it is received with approval and adopted as the Opinion and Order of this Court. Accordingly, City of East Ellijay's Motion to Dismiss [5] is **GRANTED IN PART** and **DENIED IN PART**. The Motion is granted as to the punitive damages claims against the City under federal and state law and all other state law claims against the City. The Motion is denied as to other claims against the City. Defendant West's Motion to Dismiss [6] is **GRANTED IN PART** and **DENIED IN PART**. The Motion is granted as to

all claims against Defendant West, in his official capacity, and all state law claims that accrued more than two (2) years before Plaintiffs filed this action. The Motion is denied as to all other claims against Defendant West.

**SO ORDERED**, this 5th day of August, 2011.



RICHARD W. STORY  
UNITED STATES DISTRICT JUDGE